

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHILDREN'S HOSPITAL CORP.,

Plaintiff,

vs.

KINDERCARE LEARNING CENTERS,
INC., BLUE CROSS BLUE SHIELD OF
MASSACHUSETTS, INC., and REGENCE
BLUE CROSS BLUE SHIELD OF OREGON,

Defendants

Civ. A. No. 04-11676-PBS

DECLARATION OF LEAH MILANO

Leah Milano deposes and says as follows:

1. I am the Manager of Patient Accounting at Children's Hospital. I have personal knowledge of the matters related in this declaration.

2. I am familiar with Children's Hospital's system for keeping contemporaneous records of telephone contacts with insurers and others. In the regular course of the Hospital's business, the regular practice of Hospital employees who have telephone contact with insurers is to make a record of the call. I have reviewed a portion of the Hospital's business records connected to this case.

3. The Hospital's business records show that on August 25, 2003, either BCOR or Blue Cross Blue Shield of Massachusetts ("BCMA") informed the Hospital, by telephone, that the insurance policy for the mother and daughter who have been identified in this litigation as Mrs. Doe and Baby Girl D. was "active." A true copy of the contemporaneous record of this call is attached to this declaration as Exhibit A.

4. The Hospital's business records show that on September 11, 2003, BCOR informed the Hospital, by telephone, that BCOR had made an error in assuming that Baby Girl D.'s coverage had terminated and requested that the Hospital continue sending information on the case to BCOR. A true copy of the contemporaneous record of this call is attached to this declaration as Exhibit B.

5. The Hospital's business records show that on September 16, 2003, BCOR informed the Hospital, by telephone, that Mrs. Doe was insured, effective August 19, 2003, and that Baby Girl D. was entitled to coverage for ongoing services. A true copy of the contemporaneous record of this call is attached to this declaration as Exhibit C.

6. The Hospital's business records show that on September 16, 2003, BCOR provided the Hospital, by telephone, with an authorization number for Baby Girl D.'s care from August 16 to September 17, 2003. A true copy of the contemporaneous record of this call is attached to this declaration as Exhibit D.

7. The Hospital's business records show that on September 23, 2003, BCOR provided the Hospital, by telephone, with an authorization number for Baby Girl D.'s care. A true copy of the contemporaneous record of this call appears on Exhibit B.

8. The Hospital's business records show that on November 12, 2003, BCOR informed the Hospital that the Hospital was authorized to provide care through November 12, 2003. A true copy of the contemporaneous record of this call is attached to this declaration as Exhibit E.

9. The Hospital's business records show that on December 1, 2003, "Jessica," a BCOR employee, informed the Hospital that the Hospital should have "no problem" with claims

it submitted to BCOR. A true copy of the contemporaneous record of this call is attached to this declaration as Exhibit F.

10. The Hospital's business records show that on December 3, 2003, "Carol," a BCOR employee, informed the Hospital that Baby Girl D. was approved through December 3 for inpatient admission. A true copy of the contemporaneous record of this call is attached to this declaration as Exhibit G.

11. The Hospital's business records show that on December 15, 2003, "Cassie," a BCOR employee, provided the Hospital with an authorization number for Baby Girl D.'s care that was effective from August 19 to December 9, 2003. A true copy of the contemporaneous record of this call is attached to this declaration as Exhibit H.

12. The September 11 and September 23 calls were initiated by BCOR, not the Hospital.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 15, 2004.

/s/ Leah Milano
Leah Milano

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